

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

J.D., on behalf of)	
herself and others similarly situated;)	
JANE ROE on behalf of herself and others)	
similarly situated; and JANE POE,)	
)	
Plaintiffs,)	No. 17-cv-02122-TSC
)	
v.)	
)	
ALEX M. AZAR II, <i>et al.</i> ,)	
)	
Defendants.)	
)	
_____)	

DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION TO RE-OPEN CASE

The Defendants do not object to this case being reopened. We believe, however, that in conjunction with reopening the case, this Court should enter a schedule for consideration of Plaintiffs’ lodged motion for a preliminary injunction that permits orderly briefing by the parties on a reasonable schedule whereby the government’s response will be due three week following the order reopening the case, and Plaintiffs’ reply due two weeks after the response is filed. A proposed order to that effect is attached hereto.

We note that in seeking to reopen, other than proposing an order to reopen to case, Plaintiffs did not include a “proposed order for moving forward with this case” as this Court requested, or discuss next steps with the Defendants. Minute Order (Mar. 15, 2019). We note also that in lodging its new motion for a preliminary injunction, Plaintiffs made no effort to meet and confer with Defendants as required by Local Rule 7(m). Plaintiffs also did not indicate in their motion to reopen that the Defendants would be filing a response. *See* Local Rule 7(m) (“A party shall include in its motion a statement that the required discussion occurred, and a statement as to whether the

motion is opposed.”). A conferral could have potentially addressed and narrowed some of the issues presented for the Court’s review, along with discussing the timing for orderly briefing of a motion addressing the request for relief. Defendants remain willing to discuss the terms of a briefing schedule with Plaintiffs, while taking into account concerns raised in Plaintiffs’ lodged motion.

CONCLUSION

For the foregoing reasons, the Court should reopen the case and enter the attached scheduling order.

DATED: August 9, 2019

Respectfully submitted,

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[PROPOSED] ORDER

Upon consideration of Plaintiffs' motion to re-open this case on the Court's active docket, and of the June 14, 2019 judgment of the Court of Appeals in this matter, it is hereby:

ORDERED that the Clerk will restore this case to the Court's active docket.

The motion for a preliminary injunction lodged by Plaintiffs is filed as of this date. The Government is ordered to file a response within 21 days of this date, and Plaintiffs are ordered to file a reply within 14 days of the filing of that response.

Date: August _____, 2019

TANYA S. CHUTKAN
United States District Judge